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Attorneys for Creditor(s), Dennis C. Smith and Janet B. Smith
YFSC File No.: AP-4810-YFS

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY
Camden Vicinage

IN RE: ERIC R. GIRONE
AND JOAN M. MCDANIELS

)
) **Case No.: 17-20416-ABA**
)
) **Judge Andrew B. Altenburg, Jr.**
)
) **Chapter 13**
)
) **Hearing Date: July 19, 2017**
)

OBJECTION TO CONFIRMATION OF
PLAN

Creditor(s), Dennis C. Smith and Janet B. Smith, holders of an unsecured, non-priority claim arising from a civil judgment hereby object to the confirmation of the Debtors' proposed Chapter 13 Plan as follows:

1. The Debtors have failed to make all required payments to the Standing Trustee pursuant to 11 U.S.C. Section 1326.
2. The proposed Plan fails to comply with the requirements of the Bankruptcy Code and is not proposed in good faith. Debtor McDaniel's income as stated on Schedule I implausibly includes mandatory deductions that are more than 50% of her gross income. Debtor McDaniel's income is also inexplicably omitted entirely from the Statement of Financial Affairs. The Debtors' stated mortgage and utility expenses on Schedule J are unreasonable and exceed the local housing

allowance by at least \$700.00. The Debtors' proposed Plan does not pay any unsecured claims. The Debtors Plan should reflect their true disposable income and pay a dividend to unsecured creditors.

3. The proposed Plan is not feasible. The Debtors proposal to cure \$51,800.00, in arrearage outside of their plan via loan modification is implausible.

Wherefore, Creditors, Dennis C. Smith and Janet B. Smith, respectfully request that Debtors' Plan be denied at confirmation.

Respectfully submitted,

**YOUNGBLOOD, FRANKLIN,
SAMPOLI & COOMBS, P.A.**

A handwritten signature in black ink, appearing to read 'Jorge F. Coombs', with a stylized flourish at the end.

By: /S/ Jorge F. Coombs
Jorge F. Coombs, Esq.
Attorney for Creditor(s), Dennis C. Smith
and Janet B. Smith

Dated: July 12, 2017

Jorge F. Coombs, Esq.
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CERTIFICATION OF SERVICE

1. I, John Griffith:

☒ am the paralegal for Jorge F. Coombs, Esq., who represents Creditor(s), Dennis C. Smith and Janet B. Smith in this matter.

2. On *[Enter the date you served the documents]* July 12, 2017, I sent a copy of the following pleadings and/or documents to the parties listed in the chart below.

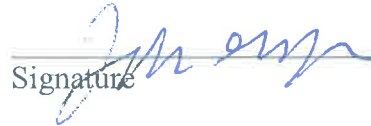
☒ Objection to Confirmation of Plan

3. I certify under penalty of perjury that the above documents were sent using the mode of service indicated.

Date:

7/12/17

Signature



Name and Address of Party Served	Relationship of Party to the Case	Mode of Service
Eric R Girone 1760 Cherokee Lane Vineland, NJ 08361	<i>Debtor</i>	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/Return receipt requested <input type="checkbox"/> Other _____ (As authorized by the court or rule. Cite the rule if applicable.)
Joan M McDaniels 1760 Cherokee Lane Vineland, NJ 08361	<i>Co-debtor</i>	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/Return receipt requested <input type="checkbox"/> Other _____ (As authorized by the court or rule. Cite the rule if applicable.)
Moshe Rothenberg, Esq. Law Office of Moshe Rothenberg 880 East Elmer Road Vineland, NJ 08360	<i>Debtor's attorney</i>	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/Return receipt requested <input checked="" type="checkbox"/> Other <u>ECF</u> (As authorized by the court or rule. Cite the rule if applicable.)
Raymond Shockley, Jr, Esq. Office of the Ch. 13 Standing Trustee 535 Route 38 Suite 580 Cherry Hill, NJ 08002	<i>Trustee</i>	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/Return receipt requested <input checked="" type="checkbox"/> Other <u>ECF</u> (As authorized by the court or rule. Cite the rule if applicable.)
U.S. Trustee. US Dept of Justice Office of the US Trustee One Newark Center Ste 2100 Newark, NJ 07102	<i>Trustee</i>	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/Return receipt requested <input checked="" type="checkbox"/> Other <u>ECF</u> (As authorized by the court or rule. Cite the rule if applicable.)